

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Magistrate Case No. 07 MJ 2663
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Plaintiff,

v.

COMPLAINT FOR VIOLATION OF DEPUTY

Joel JIMENEZ-Polanco

Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States

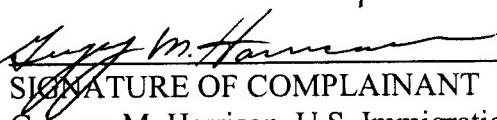
Defendant.

)

The undersigned complainant, being duly sworn, states:

On or about, **August 27, 2007**, within the Southern District of California, defendant, **Joel JIMENEZ-Polanco**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Gregory M. Harrison, U.S. Immigration
& Customs Enforcement, Deportation Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF November 2007.


UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**NAME: JIMENEZ-Polanco, Joel****PROBABLE CAUSE STATEMENT**

As part of assigned duties of the Detention and Removal Office, Deportation Officers review various sources in order to check on aliens that have been previously removed from the United States. This is done in order to determine if subjects have returned to the United States, in violation of Title 8, United States Code, Section 1326.

On Monday, August 27, 2007, the U.S. Border Patrol apprehended the defendant identified as Joel JIMENEZ-Polanco in the United States approximately four miles north of Tecate, California. It was discovered that the defendant was a parolee at large and on Tuesday, August 28, 2007, the defendant was referred to the custody of California State Parole and booked into county jail for violation of Penal Code 3056 "VIOLATION OF PAROLE". The defendant was determined to be a citizen of Mexico and a Form I-247 "Immigration Hold" placed pending his release. Subsequently, the defendant was referred to the Donovan State Prison in order to finish his prison term for violation of parole.

On Tuesday, November 13, 2007 at approximately 8:10 a.m. the defendant was referred to United States Immigration and Customs Enforcement custody. Deportation Officer Gregory M. Harrison conducted official record checks in regards to the defendant, which indicated that he was a citizen of Mexico and had been deported from the United States. A thorough review of the defendant's official immigration record confirmed that he is a citizen and national of Mexico having been previously removed from the United States on at least nine occasions.

A thorough review of official immigration computer database record checks revealed that the defendant was most recently ordered removed from the United States by an Immigration Judge on January 19, 2006 and physically removed to Mexico on January 23, 2006 via the San Ysidro Port of Entry. Computer database record checks further revealed the defendant has been issued a re-instatement of removal on four occasions and an expeditious removal on two occasions. Record checks also indicates the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint Identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Joel JIMENEZ-Polanco, a citizen and national of Mexico.

All information indicates that the defendant is a citizen of Mexico having been previously deported to Mexico and has no legal right to enter or reside in the United States.

Based upon the foregoing information, there is probable cause to believe that Joel JIMENEZ-Polanco has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code, Section 1326, Deported Alien Found in the United States.